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## BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

GARY PIERCE, Chairman  
BOB STUMP  
SANDRA D. KENNEDY  
PAUL NEWMAN  
BRENDA BURNS

**ORIGINAL**

Arizona Corporation Commission

**DOCKETED**

JUN 24 2014

DOCKETED BY

IN THE MATTER OF THE  
APPLICATION OF ARIZONA PUBLIC  
SERVICE COMPANY FOR A HEARING  
TO DETERMINE THE FAIR VALUE OF  
THE UTILITY PROPERTY OF THE  
COMPANY FOR RATEMAKING  
PURPOSES, TO FIX A JUST AND  
REASONABLE RATE OF RETURN  
THEREON, AND TO APPROVE RATE  
SCHEDULES DESIGNED TO DEVELOP  
SUCH RETURN.

DOCKET NO. E-01345A-11-0224

**WAL-MART STORES, INC. AND SAM'S WEST, INC.'S****NOTICE OF ERRATA**

Wal-Mart Stores, Inc. and Sam's West, Inc. (collectively, "Walmart"), hereby provides notice of the filing of errata to Steve W. Chriss' direct testimony in the above referenced matter originally filed on June 19, 2014. The Exhibit A to Mr. Chriss' direct testimony was inadvertently omitted from the originally filed version. Attached is a complete version of Mr. Chriss' direct testimony, including Exhibit A thereto.

Dated this 24<sup>th</sup> day of June, 2014.

RIDENOUR HIENTON, P.L.L.C.

By

Scott S. Wakefield  
201 North Central Avenue, Suite 3300  
Phoenix, Arizona 85004-1052  
Attorneys for Wal-Mart Stores, Inc. and  
Sam's West, Inc.

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DELIVERED this 19<sup>th</sup> day  
6 of June, 2014 to:

7 Steve M. Olea  
Director, Utilities Division  
1200 W. Washington Street  
8 Phoenix, AZ 85007

9 Janice Alward, Chief Counsel  
Legal Division  
10 ARIZONA CORP. COMMISSION  
1200 W. Washington Street  
11 Phoenix, Arizona 85007

12 Lyn Farmer  
Chief Administrative Law Judge  
13 Hearing Division  
Arizona Corporation Commission  
14 1200 W. Washington  
Phoenix, AZ 85007-2927

15 **COPIES** of the foregoing MAILED/  
16 E-MAILED this 24<sup>th</sup> day of June, 2014 to:

17 David Pozefsky  
RUCO  
18 1110 West Washington, Suite 220  
Phoenix, AZ 85007  
19 [dpozefsky@azruco.gov](mailto:dpozefsky@azruco.gov)

20 Timothy Hogan  
Arizona Center for Law in the Public Interest  
21 202 E. McDowell Road, Suite 153  
Phoenix, AZ 85004  
22 *Attorney for Western Resource Advocates*  
*of Southwest Energy Efficiency Project*  
23 [thogan@aclpi.org](mailto:thogan@aclpi.org)

24  
25 ///  
26

1 C. Webb Crockett  
Patrick J. Black  
FENNEMORE CRAIG  
2 3003 N. Central Ave, #2600  
Phoenix, AZ 85012  
3 *Attorneys for Freeport-McMoRan and*  
AECC  
4 wcrockett@fclaw.com  
pblack@fclaw.com

5  
6 Meghan H. Grabel  
Thomas L. Mumaw  
Pinnacle West Capital Corp.  
7 400 North 5<sup>th</sup> Street  
P.O. Box 53999, MS 8695  
8 Phoenix, AZ 85072  
meghan.grabel@pinnaclewest.com

9  
10 Michael A. Curtis  
William P. Sullivan  
CURTIS, GOODWIN, SULLIVAN  
11 UDALL & SCHWAB, P.L.C.  
501 E. Thomas Road  
12 Phoenix, AZ 85012-3205  
*Attorneys for the Town of Wickenburg*  
13 *and Town of Gilbert*  
mcurtis401@aol.com

14  
15 Nicholas Enoch  
LUBIN & ENOCH, P.C.  
349 N. Fourth Ave  
16 Phoenix, AZ 85003  
*Attorney for IBEW Locals 387, 640 and 769*  
17 nicholas.enoch@azbar.org

18 Greg Patterson  
MUNGER & CHADWICK  
19 2398 E. Camelback Road, Ste. 240  
Phoenix, AZ 85016  
20 *Attorney for ACPA*

21 Karen White  
Air Force Utility Law Field Support Center  
22 AFLOA/JACL-ULT  
139 Barnes Drive  
23 Tyndall Air Force Base, Florida 32403  
*Attorney for FEA*  
24 Karen.White@azbar.org

25 ///  
26

1 Gary Yaquinto  
2 Arizona Utility Investors Association  
3 2100 North Central Ave, Suite 210  
4 Phoenix, AZ 85004  
5 [gyaquinto@arizonaaic.org](mailto:gyaquinto@arizonaaic.org)  
6  
7 Michael Grant  
8 GALLAGHER & KENNEDY  
9 375 E. Camelback Road  
10 Phoenix, AZ 85016-9225  
11 *Attorneys for AIC*  
12 [mmg@gknet.com](mailto:mmg@gknet.com)  
13  
14 Jeffery W. Crockett  
15 BROWNSTEIN HYATT FARBER  
16 SCHRECK, LLP  
17 One E. Washington Street, Ste. 2400  
18 Phoenix, AZ 85004  
19 *Attorneys for Arizona Association of Realtors*  
20 [jcrockett@bhfs.com](mailto:jcrockett@bhfs.com)  
21  
22 Michael Patten  
23 ROSHKA DEWULF & PATTEN, PLC  
24 400 E. Van Buren Street, #800  
25 Phoenix, AZ 85004  
26 *Attorneys for Tucson Electric Power*  
[mpatten@rdp-law.com](mailto:mpatten@rdp-law.com)  
  
Cynthia Zwick  
1940 E. Luke Avenue  
Phoenix, Arizona 85016  
  
Bradley Carroll  
Tucson Electric Power Company  
P.O. Box 711, MS UE201  
Tucson, Arizona 85702  
[bcarroll@tep.com](mailto:bcarroll@tep.com)  
  
Kurt Boehm  
BOEHM, HURTZ & LOWRY  
36 E. Seventh St. Suite 1510  
Cincinnati, Ohio 45202  
*Attorneys for Kroger Co.*  
  
David Berry  
Western Resource Advocates  
P.O. Box 1064  
Scottsdale, Arizona 85252-1064  
  
Barbara Wyllie-Pecora  
14410 W. Gunsight Dr.  
Sun City West, Arizona 85375

1 Stephen J. Baron  
2 J. Kennedy & Associates  
3 570 Colonial Park Dr., Suite 305  
4 Roswell, GA 30075  
5 *Consultant for the Kroger Co.*

6 Laura Sanchez  
7 National Resources Defense Counsel  
8 P.O. Box 287  
9 Albuquerque, NM 87013  
10 [lsanchez@nrdc.org](mailto:lsanchez@nrdc.org)

11 Lawrence V. Robertson, Jr., Esq.  
12 P.O. Box 1448  
13 Tubac, AZ 85644  
14 *Attorney for Southwestern Power Group  
15 II, LLC and Bowie Power Station, L.L.C.*  
16 [tubaclawyer@aol.com](mailto:tubaclawyer@aol.com)

17 John William Moore, Jr.  
18 MOORE BENHAM & BEAVER, PLC  
19 7321 N. 16<sup>th</sup> Street  
20 Phoenix, AZ 85020  
21 *Attorney for The Kroger Co.*  
22 [wmoore@mbmblaw.com](mailto:wmoore@mbmblaw.com)

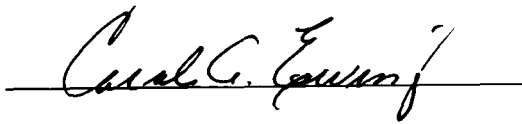
23 Steve Chriss  
24 2011 S.E. 10<sup>th</sup> Street  
25 Bentonville, Arkansas 72716-0500  
26 [Stephen.Chriss@wal-mart.com](mailto:Stephen.Chriss@wal-mart.com)

17 Craig Marks  
18 10645 N. Tatum Blvd  
19 Suite 200-676  
20 Phoenix, AZ 85028  
21 *Attorney for AARP*  
22 [Craig.Marks@azbar.org](mailto:Craig.Marks@azbar.org)

23 Jay Moyes  
24 MOYERS SELLERS & HENDRICKS, LTD  
25 1850 N. Central Ave. #1100  
26 Phoenix, AZ 85004  
*Attorney for AZAG*  
[jimoyes@law-msh.com](mailto:jimoyes@law-msh.com)

24 Jeffrey Woner  
25 K.R. Saline & Associates, P.L.C.  
26 160 N. Pasadena, Suite 101  
Mesa, AZ 85201

1 Jeff Schlegel  
2 SWEEP Arizona Representative  
3 1167 W. Samalayuca Drive  
4 Tucson, AZ 85704-3224  
5  
6 Samuel T. Miller  
7 USAF Utility Law Field Support Center  
8 139 Barnes Ave., Suite 1  
9 Tyndall AFB, FL 32403  
10  
11 Douglas V. Fant  
12 LAW OFFICES OF DOULAS V. FANT  
13 3655 W. Anthem Way, Suite A-109,  
14 PMB 411  
15 Anthem, AZ 85085  
16 *Attorney for Interwest Energy Alliance*

17  
18  
19  
20  
21  
22  
23  
24  
25  
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1  
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BEFORE THE ARIZONA CORPORATION COMMISSION

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GARY PIERCE, Chairman  
BOB STUMP  
SANDRA D. KENNEDY  
PAUL NEWMAN  
BRENDA BURNS

IN THE MATTER OF THE  
APPLICATION OF ARIZONA PUBLIC  
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TO DETERMINE THE FAIR VALUE OF  
THE UTILITY PROPERTY OF THE  
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PURPOSES, TO FIX A JUST AND  
REASONABLE RATE OF RETURN  
THEREON, AND TO APPROVE RATE  
SCHEDULES DESIGNED TO DEVELOP  
SUCH RETURN.

NO. DOCKET NO. E-01345A-11-0224

**DIRECT TESTIMONY OF STEVE W. CHRISS**  
**ON FOUR CORNERS ADJUSTMENT SCHEDULE**  
**WAL-MART STORES, INC. AND SAM'S WEST, INC.**

June 18, 2014

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**Introduction**

**Q. PLEASE STATE YOUR NAME, BUSINESS ADDRESS, AND OCCUPATION.**

A. My name is Steve W. Chriss. My business address is 2001 SE 10th St., Bentonville, AR 72716-0550. I am employed by Wal-Mart Stores, Inc. as Senior Manager, Energy Regulatory Analysis.

**Q. ON WHOSE BEHALF ARE YOU TESTIFYING IN THIS DOCKET?**

A. I am testifying on behalf of Wal-Mart Stores, Inc. and Sam's West, Inc. ("Walmart").

**Q. PLEASE DESCRIBE YOUR EDUCATION AND EXPERIENCE.**

A. In 2001, I completed a Master of Science in Agricultural Economics at Louisiana State University. From 2001 to 2003, I was an Analyst and later a Senior Analyst at the Houston office of Econ One Research, Inc., a Los Angeles-based consulting firm. My duties included research and analysis on domestic and international energy and regulatory issues. From 2003 to 2007, I was an Economist and later a Senior Utility Analyst at the Public Utility Commission of Oregon in Salem, Oregon. My duties included appearing as a witness for PUC Staff in electric, natural gas, and telecommunications dockets. I joined the energy department at Walmart in July 2007 as Manager, State Rate Proceedings, and was promoted to my current position in June 2011. My Witness Qualifications Statement is included herein as Exhibit SWC-1.

**Q. HAVE YOU PREVIOUSLY SUBMITTED TESTIMONY BEFORE THE ARIZONA CORPORATION COMMISSION ("THE COMMISSION") IN THIS DOCKET?**

1 A. Yes. I submitted Direct Testimony (Non-Rate Design) on November 18, 2011,  
2 Rate Design Testimony on December 2, 2011, and Testimony in Support of the  
3 Settlement on January 18, 2012.

4 **Q. HAVE YOU PREVIOUSLY SUBMITTED TESTIMONY BEFORE**  
5 **OTHER STATE REGULATORY COMMISSIONS?**

6 A. Yes. I have submitted testimony in over 90 proceedings before 33 other utility  
7 regulatory commissions and before the Missouri House Committee on Utilities,  
8 the Missouri Senate Veterans' Affairs, Emerging Issues, Pensions, and Urban  
9 Affairs Committee, and the Kansas House Standing Committee on Utilities and  
10 Telecommunications. My testimony has addressed topics including, but not  
11 limited to, cost of service and rate design, ratemaking policy, qualifying facility  
12 rates, telecommunications deregulation, resource certification, energy  
13 efficiency/demand side management, fuel cost adjustment mechanisms,  
14 decoupling, and the collection of cash earnings on construction work in  
15 progress.

16 **Q. ARE YOU SPONSORING ANY EXHIBITS WITH YOUR**  
17 **TESTIMONY?**

18 A. Yes. I am sponsoring Exhibit SWC-1, consisting of twelve pages.

19 **Q. PLEASE BRIEFLY DESCRIBE WALMART'S OPERATIONS IN**  
20 **ARIZONA.**

21 A. Walmart operates 121 retail units and employs 32,438 associates in Arizona. In  
22 fiscal year ending 2014, Walmart purchased \$789 million worth of goods and  
23 services from Arizona-based suppliers, supporting 24,245 supplier jobs.<sup>1</sup>  
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<sup>1</sup> <http://corporate.walmart.com/our-story/locations/united-states#/united-states/arizona>

**Q. PLEASE BRIEFLY DESCRIBE WALMART'S OPERATIONS WITHIN APS'S SERVICE TERRITORY.**

A. Walmart has approximately 49 stores and distribution centers serviced by Arizona Public Service (“APS” or “the Company”), primarily on Schedules E-32L and E-32M. Approximately 40 of those facilities also take service on Experimental Rate Rider Schedule AG-1, Alternative Generation General Service (“AG-1”).

## Purpose of Testimony

**Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

A. The purpose of my testimony is to address concerns regarding APS's proposed Adjustment Schedule FCA, Four Corners Adjustment ("FCA"). Specifically, I respond to the testimonies of Elizabeth A. Blankenship and Jeffrey B. Guldner.

## Summary of Recommendations

**Q. PLEASE SUMMARIZE YOUR RECOMMENDATIONS TO THE COMMISSION.**

A. My recommendations to the Commission are as follows:

- 1) The Commission should reject APS’s proposal to apply the FCA to the non-generation, or “APS” portions of AG-1 customer bills.**
- 2) The Commission should modify the Company’s proposed FCA tariff language as follows:**

“RATE

The FCA charge will be applied to the customer's monthly billed amount, excluding all other adjustments, sales tax, regulatory assessment and franchise fees. The resulting charged amount shall not be less than zero. In addition, the charge shall not apply to:

- Any portion of the monthly billed amount for a customer that takes service under Rate Rider Schedule AG-1.”

The fact that an issue is not addressed herein or in related filings should not be construed as an endorsement of any filed position. Additionally, for issues not addressed in this testimony, Walmart specifically reserves the right to address these issues in rebuttal if they are brought up by other parties.

### **Background**

**Q. WHAT IS SCHEDULE AG-1 AND HOW DID IT COME INTO EXISTENCE?**

A. AG-1 is a buy through rate for large commercial and industrial customers which allows customers to purchase generation service from a third-party Generation Service Provider. APS had proposed AG-1 in its direct testimony in the first phase of this proceeding, and it was adopted with modifications as part of the Settlement Agreement. The Commission approved AG-1 as proposed by the Settlement Agreement in Decision No. 73183. *See* Decision No. 73183, Exhibit A, page 18 and Attachment J.

**Q. WHAT ARE THE RATE PROVISIONS INCLUDED IN AG-1?**

A. AG-1 includes the following rate provisions:

- 1) The generation charges will not apply;
- 2) Adjustment Schedule PSA-1 will not apply, except that the Historical Component will apply for the first twelve months of service under this rate rider schedule;
- 3) Adjustment Schedule EIS will not apply;
- 4) The applicable proportionate part of any taxes or governmental impositions which are or may in the future be assessed on the basis of gross revenues of the Company and/or the price or revenue from the

1 electric energy or service sold and/or the volume of energy generated or  
2 purchased for sale and/or sold hereunder shall be applied to the  
3 customer's bill;

4 5) A management fee of \$0.0006/kWh to the customer's metered kWh;

5 6) A reserve capacity charge applied to 15 percent of the customer's billed  
6 kW;

7 7) An initial charge for fuel hedging costs;

8 8) Returning Customer charge, where applicable; and

9 9) Generation Service Provider Default charge, where applicable. *See*  
10 Decision No. 73183, Attachment J, page 4.

11 **Q. WHAT ARE THE TERMS OF THE HEDGING PROVISION IN AG-1?**

12 A. Per the AG-1 tariff, the customer will pay the hedge cost associated with the  
13 customer's Standard Generation Service at the time that the customer switches  
14 to AG-1. The cost to the customer is determined by the Company as its  
15 applicable pro rata hedge cost based on the market price for hedge costs at the  
16 time the customer takes service under AG-1. *Id.*, page 3.

17 **Q. ONCE A CUSTOMER HAS SWITCHED TO AG-1, DOES THAT**  
18 **CUSTOMER THEN CAUSE APS TO INCUR ANY RETAIL**  
19 **GENERATION COST?**

20 A. No. In addition, once the customer has paid the Historical Component of the  
21 PSA and the hedge costs, that customer has fully compensated the Company  
22 for generation costs incurred on its behalf that were not fully recovered prior to  
23 the Customer switching to AG-1.

24 **APS's Four Corners Adjustment Proposal**

25 **Q. WHAT IS YOUR UNDERSTANDING OF THE COMPANY'S**  
26 **PROPOSED FCA?**

1 A. My understanding of the proposed FCA is that it is the mechanism by which  
2 APS seeks to include in rates the rate base and expense costs associated with  
3 the acquisition of Southern California Edison's share of Four Corners  
4 generation Units 4 and 5, the retirement of Four Corners generation Units 1, 2,  
5 and 3, and any cost deferrals authorized in Docket No. E-01345A-10-0474.  
6 *See* Direct Testimony of Jeffrey B. Guldner, page 5, line 2 to line 5. In all,  
7 APS seeks recovery of an annual revenue requirement of \$62.53 million related  
8 to Four Corners generation-related costs. *See* Direct Testimony of Elizabeth A.  
9 Blankenship, page 4, line 4 to line 5.

10 **Q. DOES THE COMPANY PROPOSE THE FCA UNDER THE TERMS OF**  
11 **THE SETTLEMENT APPROVED BY THE COMMISSION IN THIS**  
12 **DOCKET IN DECISION NO. 73183?**

13 A. Yes. Specifically, the Company refers to Section 10.2 of the Settlement, which  
14 keeps the instant docket open in order for APS to file such a request. *See*  
15 Direct Testimony of Jeffrey B. Guldner, page 4, line 11 to line 26.

16 **Q. WAS WALMART A PARTY TO THE SETTLEMENT?**

17 A. Yes. *See* Decision No. 73183, Exhibit A, page 3. Additionally, both Chris  
18 Hendrix, Director of Markets & Compliance for Wal-Mart Stores, Inc. and I  
19 filed testimony on behalf of Walmart supporting the settlement.

20 **Q. HOW DOES APS PROPOSE TO RECOVER THE REVENUE**  
21 **REQUIREMENT FROM CUSTOMERS?**

22 A. APS proposes to recovery the revenue requirement from customers on an equal  
23 percentage basis applied to the base portion of customer bills, with certain  
24 exceptions. *Id.*, line 5 to line 7.

25 **Q. WHAT EXCEPTIONS DOES APS PROPOSE?**

26 A. APS proposes the following exceptions:

- 1) The generation service and imbalance service charges in AG-1;
  - 2) The energy and ancillary service charge in Rate Schedule E-36 XL;
  - 3) Credits for the purchase of excess generation under rate rider schedules EPR-2, EPR-6, and E-56R; and
  - 4) Voluntary charges under rate rider schedules GPS-1, GPS-2, and GPS-3.
- See Attachment EAB-9, Schedule 5.*

**Q. DOES THE COMPANY'S PROPOSAL INCLUDE APPLYING THE FCA CHARGE TO NON-GENERATION, OR "APS" PORTIONS OF AG-1 CUSTOMER BILLS?**

A. Yes. *See* Direct Testimony of Jeffrey B. Guldner, page 10, line 18 to line 21. My understanding is that, using E-32L as an example, the FCA would apply to the customer accounts, metering and billing, system benefits, transmission, and delivery charges. *See* A.C.C. No. 5813, page 2 to page 3.

**Q. WHAT IS THE PROPOSED FCA CHARGE AT THE COMPANY'S PROPOSED REVENUE REQUIREMENT?**

A. The proposed FCA charge is 2.2 percent. *See* Attachment EAB-9, Schedule 5.

#### **FCA Application to AG-1 Customers**

**Q. DOES WALMART HAVE CONCERNS WITH THE PROPOSED FCA?**

A. Yes. As I will explain below, the proposed FCA is inconsistent with the Settlement approved by the Commission in Decision No. 73183 and the resulting terms of AG-1, and associated cost causation principles.

**Q. ARE COSTS RELATED TO THE ACQUISITION OF FOUR CORNERS UNITS 4 AND 5 INCURRED ON BEHALF OF CUSTOMERS THAT TAKE GENERATION SERVICE FROM APS?**

A. Yes, and only those customers who take generation service from APS will receive benefits from those units. As such, per the matching principle, in

1 which customers bear costs only when they are receiving a benefit, only those  
2 ratepayers who take generation service from APS and will benefit from the  
3 acquisition of those assets should bear the burden of those costs.

4 **Q. DOES CHARGING AG-1 CUSTOMERS THE FCA VIOLATE THE**  
5 **MATCHING PRINCIPLE?**

6 A. Yes. AG-1 customers will receive no benefit from the acquisition of Four  
7 Corners Units 4 and 5 and should not bear any related cost.

8 **Q. DOES THE AG-1 TARIFF CURRENTLY RECOGNIZE THAT AN AG-1**  
9 **CUSTOMER CAUSES NO RETAIL GENERATION COST TO BE**  
10 **INCURRED BY THE COMPANY?**

11 A. Yes, and it specifically states that “the generation charges will not apply.” *Id.*,  
12 page 4. This is consistent with cost causation and matching principles, which  
13 provide that costs for generation services should be recovered from customers  
14 who cause the utility to incur those costs.

15 **Q. DOES THE APPLICATION OF THE FCA TO PART OF AN AG-1**  
16 **CUSTOMER BILL APPEAR TO VIOLATE THE PROVISION OF AG-1**  
17 **THAT STATES THAT GENERATION CHARGES WILL NOT APPLY?**

18 A. Yes, as application of the proposed FCA would charge a “generation charge” to  
19 AG-1 customers.

20 **Q. WHAT IS YOUR RECOMMENDATION TO THE COMMISSION?**

21 A. The Commission should reject APS’s proposal to apply the FCA to the “APS”  
22 portions of AG-1 customer bills.

23 **Q. DO YOU RECOMMEND A MODIFICATION TO THE FCA**  
24 **LANGUAGE PROPOSED BY APS?**

25 A. Yes. I recommend the following modification to the Company’s proposed  
26 FCA language:



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“RATE

The FCA charge will be applied to the customer’s monthly billed amount, excluding all other adjustments, sales tax, regulatory assessment and franchise fees. The resulting charged amount shall not be less than zero. In addition, the charge shall not apply to:

- Any portion of the monthly billed amount for a customer that takes service under Rate Rider Schedule AG-1.”

**Q. DOES THIS CONCLUDE YOUR DIRECT TESTIMONY?**

A. Yes.

1 **Exhibit SWC-1**

2 **Steve W. Chriss**  
3 **Senior Manager, Energy Regulatory Analysis**  
4 **Wal-Mart Stores, Inc.**  
5 **Business Address: 2001 SE 10<sup>th</sup> Street, Bentonville, AR, 72716-0550**  
6 **Business Phone: (479) 204-1594**

---

7 **EXPERIENCE**

8 July 2007 – Present  
9 **Wal-Mart Stores, Inc., Bentonville, AR**  
10 **Senior Manager, Energy Regulatory Analysis (June 2011 – Present)**  
11 **Manager, State Rate Proceedings (July 2007 – June 2011)**

12 June 2003 – July 2007  
13 **Public Utility Commission of Oregon, Salem, OR**  
14 **Senior Utility Analyst (February 2006 – July 2007)**  
15 a. **Economist (June 2003 – February 2006)**

16 January 2003 - May 2003  
17 **North Harris College, Houston, TX**  
18 **Adjunct Instructor, Microeconomics**

19 June 2001 - March 2003  
20 **Econ One Research, Inc., Houston, TX**  
21 **Senior Analyst (October 2002 – March 2003)**  
22 **Analyst (June 2001 – October 2002)**

23 **EDUCATION**

24	2001	<b>Louisiana State University</b>	M.S., Agricultural Economics
25	1997-1998	<b>University of Florida</b>	Graduate Coursework, Agricultural Education and Communication
26	1997	<b>Texas A&amp;M University</b>	B.S., Agricultural Development
			B.S., Horticulture

27 **TESTIMONY BEFORE REGULATORY COMMISSIONS**

28 **2014**  
29 Minnesota Public Utilities Commission Docket No. E-002/GR-13-868: In the Matter of the  
30 Application of Northern States Power Company, for Authority to Increase Rates for Electric  
31 Service in Minnesota.

1 Utah Public Service Commission Docket No. 13-035-184: In the Matter of the Application of  
2 Rocky Mountain Power for Authority to Increase its Retail Electric Utility Service Rates in Utah  
3 and for Approval of its Proposed Electric Service Schedules and Electric Service Regulations.  
4 Missouri Public Service Commission Case No. EC-2014-0224: In the Matter of Noranda  
Aluminum, Inc.'s Request for Revisions to Union Electric Company d/b/a Ameren Missouri's  
Large Transmission Service Tariff to Decrease its Rate for Electric Service.

5 Oklahoma Corporation Commission Cause No. PUD 201300217: Application of Public Service  
6 Company of Oklahoma to be in Compliance with Order No. 591185 Issued in Cause No. PUD  
7 201100106 Which Requires a Base Rate Case to be Filed by PSO and the Resulting Adjustment  
in its Rates and Charges and Terms and Conditions of Service for Electric Service in the State of  
Oklahoma.

8 Public Utilities Commission of Ohio Case No. 13-2386-EL-SSO: In the Matter of the  
9 Application of Ohio Power Company for Authority to Establish a Standard Service Offer  
10 Pursuant to §4928.143, Ohio Rev. Code, in the Form of an Electric Security Plan.

11 *2013*

12 Oklahoma Corporation Commission Cause No. PUD 201300201: Application of Public Service  
13 Company of Oklahoma for Commission Authorization of a Standby and Supplemental Service  
Rate Schedule.

14 Georgia Public Service Commission Docket No. 36989: Georgia Power's 2013 Rate Case.

15 Florida Public Service Commission Docket No. 130140-EI: Petition for Rate Increase by Gulf  
16 Power Company.

17 Public Utility Commission of Oregon Docket No. UE 267: In the Matter of PACIFICORP, dba  
PACIFIC POWER, Transition Adjustment, Five-Year Cost of Service Opt-Out.

18 Illinois Commerce Commission Docket No. 13-0387: Commonwealth Edison Company Tariff  
19 Filing to Present the Illinois Commerce Commission with an Opportunity to Consider Revenue  
20 Neutral Tariff Changes Related to Rate Design Authorized by Subsection 16-108.5 of the Public  
Utilities Act.

21 Iowa Utilities Board Docket No. RPU-2013-0004: In Re: MidAmerican Energy Company.

22 South Dakota Public Utilities Commission Docket No. EL12-061: In the Matter of the  
23 Application of Black Hills Power, Inc. for Authority to Increase its Electric Rates. (filed with  
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25 Kansas Corporation Commission Docket No. 13-WSEE-629-RTS: In the Matter of the  
26 Applications of Westar Energy, Inc. and Kansas Gas and Electric Company for Approval to  
Make Certain Changes in their Charges for Electric Service.

1 Public Utility Commission of Oregon Docket No. UE 263: In the Matter of PACIFICORP, dba  
2 PACIFIC POWER, Request for a General Rate Revision.

3 Arkansas Public Service Commission Docket No. 13-028-U: In the Matter of the Application of  
4 Entergy Arkansas, Inc. for Approval of Changes in Rates for Retail Electric Service.

5 Virginia State Corporation Commission Docket No. PUE-2013-00020: Application of Virginia  
6 Electric and Power Company for a 2013 Biennial Review of the Rates, Terms, and Conditions  
7 for the Provision of Generation, Distribution, and Transmission Services Pursuant to § 56-585.1  
8 A of the Code of Virginia.

9 Florida Public Service Commission Docket No. 130040-EI: Petition for Rate Increase by Tampa  
10 Electric Company.

11 South Carolina Public Service Commission Docket No. 2013-59-E: Application of Duke Energy  
12 Carolinas, LLC, for Authority to Adjust and Increase Its Electric Rates and Charges.

13 Public Utility Commission of Oregon Docket No. UE 262: In the Matter of PORTLAND  
14 GENERAL ELECTRIC COMPANY, Request for a General Rate Revision.

15 New Jersey Board of Public Utilities Docket No. ER12111052: In the Matter of the Verified  
16 Petition of Jersey Central Power & Light Company For Review and Approval of Increases in and  
17 Other Adjustments to Its Rates and Charges For Electric Service, and For Approval of Other  
18 Proposed Tariff Revisions in Connection Therewith; and for Approval of an Accelerated  
19 Reliability Enhancement Program ("2012 Base Rate Filing")

20 North Carolina Utilities Commission Docket No. E-7, Sub 1026: In the Matter of the  
21 Application of Duke Energy Carolinas, LLC for Adjustment of Rates and Charges Applicable to  
22 Electric Service in North Carolina.

23 Public Utility Commission of Oregon Docket No. UE 264: PACIFICORP, dba PACIFIC  
24 POWER, 2014 Transition Adjustment Mechanism.

25 Public Utilities Commission of California Docket No. 12-12-002: Application of Pacific Gas and  
26 Electric Company for 2013 Rate Design Window Proceeding.

Public Utilities Commission of Ohio Docket Nos. 12-426-EL-SSO, 12-427-EL-ATA, 12-428-  
EL-AAM, 12-429-EL-WVR, and 12-672-EL-RDR: In the Matter of the Application of the  
Dayton Power and Light Company Approval of its Market Offer.

Minnesota Public Utilities Commission Docket No. E-002/GR-12-961: In the Matter of the  
Application of Northern States Power Company for Authority to Increase Rates for Electric  
Service in Minnesota.

1 North Carolina Utilities Commission Docket E-2, Sub 1023: In the Matter of Application of  
2 Progress Energy Carolinas, Inc. For Adjustment of Rates and Charges Applicable to Electric  
3 Service in North Carolina.

4 2012

5 Public Utility Commission of Texas Docket No. 40443: Application of Southwestern Electric  
6 Power Company for Authority to Change Rates and Reconcile Fuel Costs.

7 South Carolina Public Service Commission Docket No. 2012-218-E: Application of South  
8 Carolina Electric & Gas Company for Increases and Adjustments in Electric Rate Schedules and  
9 Tariffs and Request for Mid-Period Reduction in Base Rates for Fuel.

10 Kansas Corporation Commission Docket No. 12-KCPE-764-RTS: In the Matter of the  
11 Application of Kansas City Power & Light Company to Make Certain Changes in its Charges for  
12 Electric Service.

13 Kansas Corporation Commission Docket No. 12-GIMX-337-GIV: In the Matter of a General  
14 Investigation of Energy-Efficiency Policies for Utility Sponsored Energy Efficiency Programs.

15 Florida Public Service Commission Docket No. 120015-EI: In Re: Petition for Rate Increase by  
16 Florida Power & Light Company.

17 California Public Utilities Commission Docket No. A.11-10-002: Application of San Diego Gas  
18 & Electric Company (U 902 E) for Authority to Update Marginal Costs, Cost Allocation, and  
19 Electric Rate Design.

20 Utah Public Service Commission Docket No. 11-035-200: In the Matter of the Application of  
21 Rocky Mountain Power for Authority to Increase its Retail Electric Utility Service Rates in Utah  
22 and for Approval of its Proposed Electric Service Schedules and Electric Service Regulations.

23 Virginia State Corporation Commission Case No. PUE-2012-00051: Application of Appalachian  
24 Power Company to Revise its Fuel Factor Pursuant to § 56-249.6 of the Code of Virginia.

25 Public Utilities Commission of Ohio Case Nos. 11-346-EL-SSO, 11-348-EL-SSO, 11-349-EL-  
26 AAM, and 11-350-EL-AAM: In the Matter of the Application of Columbus Southern Power  
Company and Ohio Power Company for Authority to Establish a Standard Service Offer  
Pursuant to Section 4928.143, Revised Code, in the Form on an Electric Security Plan and In the  
Matter of the Application of Columbus Southern Power Company and Ohio Power Company for  
Approval of Certain Accounting Authority.

New Jersey Board of Public Utilities Docket No. ER11080469: In the Matter of the Petition of  
Atlantic City Electric for Approval of Amendments to Its Tariff to Provide for an Increase in

1 Rates and Charges for Electric Service Pursuant to N.J.S.A. 48:2-21 and N.J.S.A. 48:2-21.1 and  
2 For Other Appropriate Relief.

3 Public Utility Commission of Texas Docket No. 39896: Application of Entergy Texas, Inc. for  
4 Authority to Change Rates and Reconcile Fuel Costs.

5 Missouri Public Service Commission Case No. EO-2012-0009: In the Matter of KCP&L Greater  
6 Missouri Operations Notice of Intent to File an Application for Authority to Establish a Demand-  
7 Side Programs Investment Mechanism.

8 Colorado Public Utilities Commission Docket No. 11AL-947E: In the Matter of Advice Letter  
9 No. 1597-Electric Filed by Public Service Company of Colorado to Revise its Colorado PUC No.  
10 7-Electric Tariff to Implement a General Rate Schedule Adjustment and Other Changes Effective  
11 December 23, 2011.

12 Illinois Commerce Commission Docket No. 11-0721: Commonwealth Edison Company Tariffs  
13 and Charges Submitted Pursuant to Section 16-108.5 of the Public Utilities Act.

14 Public Utility Commission of Texas Docket No. 38951: Application of Entergy Texas, Inc. for  
15 Approval of Competitive Generation Service tariff (Issues Severed from Docket No. 37744).

16 California Public Utilities Commission Docket No. A.11-06-007: Southern California Edison's  
17 General Rate Case, Phase 2.

18 *2011*

19 Arizona Corporation Commission Docket No. E-01345A-11-0224: In the Matter of Arizona  
20 Public Service Company for a Hearing to Determine the Fair Value of Utility Property of the  
21 Company for Ratemaking Purposes, to Fix and Just and Reasonable Rate of Return Thereon, to  
22 Approve Rate Schedules Designed to Develop Such Return.

23 Oklahoma Corporation Commission Cause No. PUD 201100087: In the Matter of the  
24 Application of Oklahoma Gas and Electric Company for an Order of the Commission  
25 Authorizing Applicant to Modify its Rates, Charges, and Tariffs for Retail Electric Service in  
26 Oklahoma.

South Carolina Public Service Commission Docket No. 2011-271-E: Application of Duke  
Energy Carolinas, LLC for Authority to Adjust and Increase its Electric Rates and Charges.

Pennsylvania Public Utility Commission Docket No. P-2011-2256365: Petition of PPL Electric  
Utilities Corporation for Approval to Implement Reconciliation Rider for Default Supply  
Service.

North Carolina Utilities Commission Docket No. E-7, Sub 989: In the Matter of Application of  
Duke Energy Carolinas, LLC for Adjustment of Rates and Charges Applicable to Electric  
Service in North Carolina.

1 Florida Public Service Commission Docket No. 110138: In Re: Petition for Increase in Rates by  
2 Gulf Power Company.

3 Public Utilities Commission of Nevada Docket No. 11-06006: In the Matter of the Application of  
4 Nevada Power Company, filed pursuant to NRS 704.110(3) for authority to increase its annual  
5 revenue requirement for general rates charged to all classes of customers to recover the costs of  
6 constructing the Harry Allen Combined Cycle plant and other generating, transmission, and  
distribution plant additions, to reflect changes in the cost of capital, depreciation rates and cost of  
service, and for relief properly related thereto.

7 North Carolina Utilities Commission Docket Nos. E-2, Sub 998 and E-7, Sub 986: In the Matter  
8 of the Application of Duke Energy Corporation and Progress Energy, Inc., to Engage in a  
Business Combination Transaction and to Address Regulatory Conditions and Codes of Conduct.

9 Public Utilities Commission of Ohio Case Nos. 11-346-EL-SSO, 11-348-EL-SSO, 11-349-EL-  
10 AAM, and 11-350-EL-AAM: In the Matter of the Application of Columbus Southern Power  
11 Company and Ohio Power Company for Authority to Establish a Standard Service Offer  
12 Pursuant to Section 4928.143, Revised Code, in the Form on an Electric Security Plan and In the  
Matter of the Application of Columbus Southern Power Company and Ohio Power Company for  
Approval of Certain Accounting Authority.

13 Virginia State Corporation Commission Case No. PUE-2011-00037: In the Matter of  
14 Appalachian Power Company for a 2011 Biennial Review of the Rates, Terms, and Conditions  
15 for the Provision of Generation, Distribution, and Transmission Services Pursuant to § 56-585.1  
A of the Code of Virginia.

16 Illinois Commerce Commission Docket No. 11-0279 and 11-0282 (cons.): Ameren Illinois  
17 Company Proposed General Increase in Electric Delivery Service and Ameren Illinois Company  
18 Proposed General Increase in Gas Delivery Service.

19 Virginia State Corporation Commission Case No. PUE-2011-00045: Application of Virginia  
20 Electric and Power Company to Revise its Fuel Factor Pursuant to § 56-249.6 of the Code of  
Virginia.

21 Utah Public Service Commission Docket No. 10-035-124: In the Matter of the Application of  
22 Rocky Mountain Power for Authority to Increase its Retail Electric Utility Service Rates in Utah  
23 and for Approval of its Proposed Electric Service Schedules and Electric Service Regulations.

24 Maryland Public Utilities Commission Case No. 9249: In the Matter of the Application of  
25 Delmarva Power & Light for an Increase in its Retail Rates for the Distribution of Electric  
26 Energy.

1 Minnesota Public Utilities Commission Docket No. E002/GR-10-971: In the Matter of the  
2 Application of Northern States Power Company d/b/a Xcel Energy for Authority to Increase  
Rates for Electric Service in Minnesota.

3 Michigan Public Service Commission Case No. U-16472: In the Matter of the Detroit Edison  
4 Company for Authority to Increase its Rates, Amend its Rate Schedules and Rules Governing the  
5 Distribution and Supply of Electric Energy, and for Miscellaneous Accounting Authority.  
2010

6 Public Utilities Commission of Ohio Docket No. 10-2586-EL-SSO: In the Matter of the  
7 Application of Duke Energy Ohio for Approval of a Market Rate Offer to Conduct a Competitive  
Bidding Process for Standard Service Offer Electric Generation Supply, Accounting  
Modifications, and Tariffs for Generation Service.

8 Colorado Public Utilities Commission Docket No. 10A-554EG: In the Matter of the Application  
9 of Public Service Company of Colorado for Approval of a Number of Strategic Issues Relating to  
its DSM Plan, Including Long-Term Electric Energy Savings Goals, and Incentives.

10 Public Service Commission of West Virginia Case No. 10-0699-E-42T: Appalachian Power  
11 Company and Wheeling Power Company Rule 42T Application to Increase Electric Rates.

12 Oklahoma Corporation Commission Cause No. PUD 201000050: Application of Public Service  
13 Company of Oklahoma, an Oklahoma Corporation, for an Adjustment in its Rates and Charges  
14 and Terms and Conditions of Service for Electric Service in the State of Oklahoma.

15 Georgia Public Service Commission Docket No. 31958-U: In Re: Georgia Power Company's  
2010 Rate Case.

16 Washington Utilities and Transportation Commission Docket No. 100749: 2010 Pacific Power &  
17 Light Company General Rate Case.

18 Colorado Public Utilities Commission Docket No. 10M-254E: In the Matter of Commission  
19 Consideration of Black Hills Energy's Plan in Compliance with House Bill 10-1365, "Clean Air-  
20 Clean Jobs Act."

21 Colorado Public Utilities Commission Docket No. 10M-245E: In the Matter of Commission  
22 Consideration of Public Service Company of Colorado Plan in Compliance with House Bill 10-  
1365, "Clean Air-Clean Jobs Act."

23 Public Service Commission of Utah Docket No. 09-035-15 *Phase II*: In the Matter of the  
24 Application of Rocky Mountain Power for Approval of its Proposed Energy Cost Adjustment  
Mechanism.

25 Public Utility Commission of Oregon Docket No. UE 217: In the Matter of PACIFICORP, dba  
26 PACIFIC POWER Request for a General Rate Revision.



1 Mississippi Public Service Commission Docket No. 2010-AD-57: In Re: Proposal of the  
2 Mississippi Public Service Commission to Possibly Amend Certain Rules of Practice and  
3 Procedure.

4 Indiana Utility Regulatory Commission Cause No. 43374: Verified Petition of Duke Energy  
5 Indiana, Inc. Requesting the Indiana Utility Regulatory Commission to Approve an Alternative  
6 Regulatory Plan Pursuant to Ind. Code § 8-1-2.5-1, *ET SEQ.*, for the Offering of Energy  
7 Efficiency Conservation, Demand Response, and Demand-Side Management Programs and  
8 Associated Rate Treatment Including Incentives Pursuant to a Revised Standard Contract Rider  
9 No. 66 in Accordance with Ind. Code §§ 8-1-2.5-1 *ET SEQ.* and 8-1-2-42 (a); Authority to Defer  
Program Costs Associated with its Energy Efficiency Portfolio of Programs; Authority to  
Implement New and Enhanced Energy Efficiency Programs, Including the Powershare® Program  
in its Energy Efficiency Portfolio of Programs; and Approval of a Modification of the Fuel  
Adjustment Clause Earnings and Expense Tests.

10 Public Utility Commission of Texas Docket No. 37744: Application of Entergy Texas, Inc. for  
11 Authority to Change Rates and to Reconcile Fuel Costs.

12 South Carolina Public Service Commission Docket No. 2009-489-E: Application of South  
13 Carolina Electric & Gas Company for Adjustments and Increases in Electric Rate Schedules and  
Tariffs.

14 Kentucky Public Service Commission Case No. 2009-00459: In the Matter of General  
15 Adjustments in Electric Rates of Kentucky Power Company.

16 Virginia State Corporation Commission Case No. PUE-2009-00125: For acquisition of natural  
17 gas facilities Pursuant to § 56-265.4:5 B of the Virginia Code.

18 Arkansas Public Service Commission Docket No. 10-010-U: In the Matter of a Notice of Inquiry  
19 Into Energy Efficiency.

20 Connecticut Department of Public Utility Control Docket No. 09-12-05: Application of the  
Connecticut Light and Power Company to Amend its Rate Schedules.

21 Arkansas Public Service Commission Docket No. 09-084-U: In the Matter of the Application of  
22 Entergy Arkansas, Inc. For Approval of Changes in Rates for Retail Electric Service.

23 Missouri Public Service Commission Docket No. ER-2010-0036: In the Matter of Union Electric  
24 Company d/b/a AmerenUE for Authority to File Tariffs Increasing Rates for Electric Service  
25 Provided to Customers in the Company's Missouri Service Area.  
26

1 Public Service Commission of Delaware Docket No. 09-414: In the Matter of the Application of  
2 Delmarva Power & Light Company for an Increase in Electric Base Rates and Miscellaneous  
Tariff Charges.

3 2009

4 Virginia State Corporation Commission Case No. PUE-2009-00030: In the Matter of  
5 Appalachian Power Company for a Statutory Review of the Rates, Terms, and Conditions for the  
6 Provision of Generation, Distribution, and Transmission Services Pursuant to § 56-585.1 A of  
the Code of Virginia.

7 Public Service Commission of Utah Docket No. 09-035-15 *Phase I*: In the Matter of the  
8 Application of Rocky Mountain Power for Approval of its Proposed Energy Cost Adjustment  
Mechanism.

9 Public Service Commission of Utah Docket No. 09-035-23: In the Matter of the Application of  
10 Rocky Mountain Power for Authority To Increase its Retail Electric Utility Service Rates in Utah  
and for Approval of Its Proposed Electric Service Schedules and Electric Service Regulations.

11 Colorado Public Utilities Commission Docket No. 09AL-299E: Re: The Tariff Sheets Filed by  
12 Public Service Company of Colorado with Advice Letter No. 1535 – Electric.

13 Arkansas Public Service Commission Docket No. 09-008-U: In the Matter of the Application of  
14 Southwestern Electric Power Company for Approval of a General Change in Rates and Tariffs.

15 Oklahoma Corporation Commission Docket No. PUD 200800398: In the Matter of the  
16 Application of Oklahoma Gas and Electric Company for an Order of the Commission  
17 Authorizing Applicant to Modify its Rates, Charges, and Tariffs for Retail Electric Service in  
Oklahoma.

18 Public Utilities Commission of Nevada Docket No. 08-12002: In the Matter of the Application  
19 by Nevada Power Company d/b/a NV Energy, filed pursuant to NRS §704.110(3) and NRS  
20 §704.110(4) for authority to increase its annual revenue requirement for general rates charged to  
21 all classes of customers, begin to recover the costs of acquiring the Bighorn Power Plant,  
constructing the Clark Peak, Environmental Retrofits and other generating, transmission and  
distribution plant additions, to reflect changes in cost of service and for relief properly related  
thereto.

22 New Mexico Public Regulation Commission Case No. 08-00024-UT: In the Matter of a  
23 Rulemaking to Revise NMPRC Rule 17.7.2 NMAC to Implement the Efficient Use of Energy  
24 Act.

25 Indiana Utility Regulatory Commission Cause No. 43580: Investigation by the Indiana Utility  
26 Regulatory Commission, of Smart Grid Investments and Smart Grid Information Issues

1 Contained in 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. § 2621(d)),  
2 as Amended by the Energy Independence and Security Act of 2007.

3 Louisiana Public Service Commission Docket No. U-30192 *Phase II (February 2009)*: Ex Parte,  
4 Application of Entergy Louisiana, LLC for Approval to Repower Little Gypsy Unit 3 Electric  
5 Generating Facility and for Authority to Commence Construction and for Certain Cost Protection  
6 and Cost Recovery.

7 South Carolina Public Service Commission Docket No. 2008-251-E: In the Matter of Progress  
8 Energy Carolinas, Inc.'s Application For the Establishment of Procedures to Encourage  
9 Investment in Energy Efficient Technologies; Energy Conservation Programs; And Incentives  
10 and Cost Recovery for Such Programs.

11 2008

12 Colorado Public Utilities Commission Docket No. 08A-366EG: In the Matter of the Application  
13 of Public Service Company of Colorado for approval of its electric and natural gas demand-side  
14 management (DSM) plan for calendar years 2009 and 2010 and to change its electric and gas  
15 DSM cost adjustment rates effective January 1, 2009, and for related waivers and authorizations.

16 Public Service Commission of Utah Docket No. 07-035-93: In the Matter of the Application of  
17 Rocky Mountain Power for Authority to Increase its Retail Electric Utility Service Rates in Utah  
18 and for Approval of its Proposed Electric Service Schedules and Electric Service Regulations,  
19 Consisting of a General Rate Increase of Approximately \$161.2 Million Per Year, and for  
20 Approval of a New Large Load Surcharge.

21 Indiana Utility Regulatory Commission Cause No. 43374: Petition of Duke Energy Indiana, Inc.  
22 Requesting the Indiana Utility Regulatory Commission Approve an Alternative Regulatory Plan  
23 for the Offering of Energy Efficiency, Conservation, Demand Response, and Demand-Side  
24 Management.

25 Public Utilities Commission of Nevada Docket No. 07-12001: In the Matter of the Application of  
26 Sierra Pacific Power Company for authority to increase its general rates charged to all classes of  
electric customers to reflect an increase in annual revenue requirement and for relief properly  
related thereto.

Louisiana Public Service Commission Docket No. U-30192 *Phase II*: Ex Parte, Application of  
Entergy Louisiana, LLC for Approval to Repower Little Gypsy Unit 3 Electric Generating  
Facility and for Authority to Commence Construction and for Certain Cost Protection and Cost  
Recovery.

Colorado Public Utilities Commission Docket No. 07A-420E: In the Matter of the Application of  
Public Service Company of Colorado For Authority to Implement and Enhanced Demand Side  
Management Cost Adjustment Mechanism to Include Current Cost Recovery and Incentives.

2007

Louisiana Public Service Commission Docket No. U-30192: Ex Parte, Application of Entergy Louisiana, LLC for Approval to Repower Little Gypsy Unit 3 Electric Generating Facility and for Authority to Commence Construction and for Certain Cost Protection and Cost Recovery.

Public Utility Commission of Oregon Docket No. UG 173: In the Matter of PUBLIC UTILITY COMMISSION OF OREGON Staff Request to Open an Investigation into the Earnings of Cascade Natural Gas.

2006

Public Utility Commission of Oregon Docket No. UE 180/UE 181/UE 184: In the Matter of PORTLAND GENERAL ELECTRIC COMPANY Request for a General Rate Revision.

Public Utility Commission of Oregon Docket No. UE 179: In the Matter of PACIFICORP, dba PACIFIC POWER AND LIGHT COMPANY Request for a general rate increase in the company's Oregon annual revenues.

Public Utility Commission of Oregon Docket No. UM 1129 *Phase II*: Investigation Related to Electric Utility Purchases From Qualifying Facilities.

2005

Public Utility Commission of Oregon Docket No. UM 1129 *Phase I Compliance*: Investigation Related to Electric Utility Purchases From Qualifying Facilities.

Public Utility Commission of Oregon Docket No. UX 29: In the Matter of QWEST CORPORATION Petition to Exempt from Regulation Qwest's Switched Business Services.

2004

Public Utility Commission of Oregon Docket No. UM 1129 *Phase I*: Investigation Related to Electric Utility Purchases From Qualifying Facilities.

## **TESTIMONY BEFORE LEGISLATIVE BODIES**

2014

Regarding Kansas House Bill 2460: Testimony Before the Kansas House Standing Committee on Utilities and Telecommunications, February 12, 2014.

2012

Regarding Missouri House Bill 1488: Testimony Before the Missouri House Committee on Utilities, February 7, 2012.

2011

Regarding Missouri Senate Bills 50, 321, 359, and 406: Testimony Before the Missouri Senate Veterans' Affairs, Emerging Issues, Pensions, and Urban Affairs Committee, March 9, 2011.

1 **AFFIDAVITS**

2 2011

3 Colorado Public Utilities Commission Docket No. 11M-951E: In the Matter of the Petition of  
4 Public Service Company of Colorado Pursuant to C.R.S. § 40-6-111(1)(d) for Interim Rate Relief  
5 Effective on or before January 21, 2012.

6 **ENERGY INDUSTRY PUBLICATIONS AND PRESENTATIONS**

7 Mock Trial Expert Witness, The Energy Bar Association State Commission Practice and  
8 Regulation Committee and Young Lawyers Committee and Environment, Energy and Natural  
9 Resources Section of the D.C. Bar, Mastering Your First (or Next) State Public Utility  
10 Commission Hearing, February 13, 2014.

11 Panelist, Customer Panel, Virginia State Bar 29<sup>th</sup> National Regulatory Conference, Williamsburg,  
12 Virginia, May 19, 2011.

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14 Oregon Natural Gas Procurement Study." Presented at the 19<sup>th</sup> Annual Western Conference,  
15 Center for Research in Regulated Industries Advanced Workshop in Regulation and  
16 Competition, Monterey, California, June 29, 2006.

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18 Public Utility Commission of Oregon, Salem, OR. Report published in June, 2005. Presented to  
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26 Fred I. Denny and David E. Dismukes, authors. Published by CRC Press, June 2002.

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Plant Development in Louisiana," David E. Dismukes, author. Published by the Louisiana State  
University Center for Energy Studies, October 2001.

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Natural Gas In-State Demand Study." Anchorage: Alaska Department of Natural Resources.